

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SCOTT MCCANDLISS,)
DMIDRIY ABRAMYAN, ABDIKADIR)
AHMED, AHMED KATUN AHMED,)
AHMED HASSAN, BEN STEWART)
ROUNTREE, FAHEEM IQBAL)
QURESHI, ANTHONY D. LOGAN,)
MOHAMED ABDULLE,)
HAMOUD S. ALDAHABALI, JAMAL)
ABDI, ABDILAH A WALE,)
MOHAMED A. HUSSEIN)
and all others similarly situated,)
Plaintiffs)

v.)

UBER TECHNOLOGIES, INC.,)
RASIER, LLC)
and)
KEITH RADFORD, AHMED SIMJEE,)
JOSHUA GANTT, LESLIE GILMARTIN,)
BRIAN GIQUEL, CHRISTOPHER BOSAK,)
CHRISTOPHER JOHNSON, KEVIN)
BUTTIMER, DANIEL ANDERSON, JOHN)
STETTNER, RACHEL PIETROCOLA,)
JOSH VARCOE, FABIAN FERNANDEZ,)
AMINUR CHOUDHURY, SEID SHEK,)
ABEBE TESFAYE, SAMUEL WORKU,)
JEAN RICHARD PIERRE, ALEXANDER)
AGBAERE, AYODELE OKPODU,)
BELAY DAGNEW, individually and)
all others similarly situated,)
Defendants.

Civil Action File No.
1:14-03275- WSD

Class Action

**NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING THE
PENDING MOTION TO REMAND AND MOTIONS TO DISMISS**

Plaintiffs’ respectfully submit this notice of supplemental authority with respect to the pending Motion to Remand [Doc.6] including Plaintiffs’ request for abstention [Docs. 52 & 60] and Defendants’ Motions to Dismiss [Docs. 54, 55 & 56].

On June 10, 2015, the Eleventh Circuit Court of Appeals issued its decision in *Delta Cab Association, Inc., et al. v. City of Atlanta, Georgia*, No. 14-14187, 2015 WL 3602757 (11th Cir. June 10, 2015)¹ which affirmed the decision of Judge Thrash below finding the City of Atlanta’s ordinances limiting the number of Certificates of Public Necessity and Convenience (CPNC) to “pass constitutional muster.”

As argued by Plaintiffs in Response to Defendants’ Motion to Dismiss and in support of Plaintiffs’ Motion to Remand and particularly the request for abstention, the Plaintiff Class of CPNC owners and taxicab drivers had the *exclusive* right to operate vehicles for hire (except for state licensed limousines) in the City of Atlanta and the Atlanta Airport prior to July 1, 2015. As pled in each of Plaintiffs’ complaints, Uber, Rasier and the Defendant Class ignored Georgia’s and Atlanta’s laws in operating their vehicles for hire (as defined by Atlanta’s Ordinances). The Defendants’ conduct intentionally interfered with the Plaintiff’s *exclusive* right to transport passengers on trips originating in the corporate limits of

¹ A copy of the opinion is submitted as Doc. 66-1 for convenience.

the city of Atlanta. This legal understanding forms the foundation for Plaintiffs' claims based on intentional interference with business relations and nuisance. With this new decision by the Eleventh Circuit applying only the United States' Constitution, it becomes clearer that prior to July 1, 2015, the Defendants' tortious conduct was *illegal* proximately causing Plaintiffs' damages as alleged.

Factual and legal issues of first impression regarding Plaintiffs' property rights in the ownership and rental of CPNCs remain for inclusion in determining the liability of the Defendants in this and the companion case now pending in the Superior Court of Fulton County, Georgia. [Doc. 58-1]. These matters are purely of a local nature with no impact on interstate commerce or out of state legal issues. They should be decided consistently in the Georgia state courts and eventually the Supreme Court of Georgia under the Georgia Constitution.

Respectfully submitted this 27th day of July 27, 2015.

/s/ William A. Pannell
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Of Counsel

LOCAL RULE 7.1 CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing pleading filed with the Clerk of Court has been prepared in 14 point Times New Roman font in accordance with Local Rule 5.1(C).

Dated: July 27, 2015.

/s/ William A. Pannell
William A. Pannell

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2015, I filed a copy of the foregoing document using the Court's ECF/CM system, which will automatically send notice of such filing to counsel for Defendants:

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Dated: July 27, 2015.

/s/ William A. Pannell
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